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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,468	09/26/2003	Domenico Bambi	58620.00008	7397

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EXAMINER

HECKENBERG JR, DONALD H

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,468

Applicant(s)

BAMBI ET AL.

Examiner

Donald Heckenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-17, drawn to a single mold machine,
classified in class 425, subclass 185.

II. Claim 18, drawn to a method of changing molds,
classified in class 264, subclass 530.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. MPEP § 806.05(e). In this case the apparatus as claimed can be used to practice another and materially different process such as one in which only a single mold half is used in the first and second molds, rather than a pair of mold halves as recited in the method claim.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation between Examiner Matt Daniels and Douglas Goldhush (Applicant's Representative) a provisional election was made with traverse to prosecute the invention of Group I, claims 1-17. Affirmation of this election must be made by Applicant in replying to this Office Action. Claim 18 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by GB 1 295 055 (previously made of record in the I.D.S. filed by Applicant; hereinafter "GB '055").

GB '055 discloses a molding apparatus. The apparatus comprises a bed (1) having a substantially longitudinal direction (see Fig. 1). Two platens (12 and 29) are associated with the bed, and a mold half (22 and 25) is supported by each of the platens. One of the platens (29) is translatable relative to the bed along the substantially longitudinal direction. The other platen (12) is a tilting platen being rotatable about an axis substantially horizontal and extending perpendicular to the longitudinal direction (see Figs. 1 and 2).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the

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differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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11. Claims 1-5, 7-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. (U.S. Pat. No. 5,817,345) in view of Farrell (U.S. Pat. No. 4,363,619).

Koch discloses a molding machine. The machine comprises a bed (20) having a substantially longitudinal direction (see Fig. 5). Two platens (12 and 16) are associated with the bed, with mold halves supported by both platens (see cl. 5, ll. 38-49). One of the platens (12) is a tilting platen having an axis substantially horizontal and extending perpendicular to the longitudinal direction of the bed. The tilting platen is rotatable through 360° and comprises multiple surfaces with molds (see Figs 8-10). The tilting platen further comprises a frame divided into parts whereby access from the side remote from the other platen is free (see Figs. 8-10).

Koch discloses the tilting platen to be translatable relative to the bed, whereas the other platen is stationary. However, it is known in the art that the relative movement of the platens can be switched. That is, as shown in the configuration disclosed by Farrell, a tilting platen (11) can be made stationary relative to another platen (20 or 22), and the other platen movable toward and away from the tilting platen (see Figs. 1 and 2). Thus, it would have been obvious to one of

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ordinary skill in the art at the time of Applicant's invention to have used an alternative configuration wherein the tilting platen is stationary and the other platen is translatable because such a configuration is known in the art as a useable alternative for achieving relative platen movement as suggested by Farrell.

12. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. and Farrell as applied to claims 1-5, 7-12, and 14 above, and further in view of Arend (U.S. Pat. No. 6,613,262).

Koch and Farrell disclose and suggest the molding apparatus as described above. Koch and Farrell do not disclose a means for sliding the platen as ways associated with the bed and wheels associated with the translatable platen running on the ways. Arend, however, discloses that wheels on ways are among the known mechanisms for moving a platen on a bed in a molding apparatus (see Fig. 1 and cl. 7, ll. 58-64). Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified the device disclosed and suggested by Koch and Farrell as such to have used wheels on ways as the means for moving the translatable platen

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because such a mechanism is known in the art as suitable for moving such platens as suggested by Arend.

13. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. and Farrell as applied to claims 1-5, 7-12, and 14 above, and further in view of Maier (U.S. Pat. No. 6,514,452).

Koch and Farrell disclose and suggest the molding apparatus as described above. Koch and Farrell do not disclose the particular drive means for the tilting platen. Electric gear motors, however, are known in the art as providing a sufficient mechanism for effectuating platen movement as evidenced by Mairer (see cl. 3, ll. 17-25). It therefore would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified the device disclosed by Koch and Farrell as such to have used an electric gear motor as a drive means for the tilting platen because such motors are known in the art as being capable and suitable for causing platen movement as suggested by Mairer.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The

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examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith, can be reached at (571) 272-1166. The official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Donald Heckenberg
Primary Examiner
A.U. 1722

10-2-5